

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, AUGUST 3, 1992  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:06 p.m. Mayor O'Connor recessed the meeting at 2:17 p.m. to meet in Closed Session in the 12th floor conference room to discuss whether to initiate appropriate adjudicatory proceedings under the Hart/Scott/Rodino Act in regard to the proposed acquisition of the General Dynamics Missile Division by Hughes Aircraft. Mayor O'Connor reconvened the meeting at 2:38 p.m. with Council Members McCarty and Filner not present. Mayor O'Connor recessed the meeting at 3:36 p.m. to convene the Housing Authority and thereafter meet with the Hughes Aircraft representatives for a press conference. The meeting was reconvened by Deputy Mayor Roberts at 5:17 p.m. with Mayor O'Connor and Council Members McCarty and Filner not present. Deputy Mayor Roberts adjourned the meeting at 7:40 p.m. to meet in Closed Session on Tuesday, August 4, 1992, at 9:30 a.m. in the twelfth floor conference room to discuss pending and potential litigation. It was also announced that Closed Session will also be held on Tuesday, August 4, 1992, at 2:00 p.m. in the twelfth floor conference room to discuss negotiations regarding the sale of property commonly known as the "Southcrest Commercial Center" and whether to initiate appropriate adjudicatory proceedings under the Hart/Scott/Rodino Act in regard to the proposed acquisition of the General Dynamics Missile Division by Hughes Aircraft.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present

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(7) Council Member McCarty-excused by  
R-280608(no reason given)

(8) Council Member Filner-present

Clerk-Abdelnour/Fishkin (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor O'Connor-present  
(1) Council Member Wolfsheimer-present  
(2) Council Member Roberts-present  
(3) Council Member Hartley-not present  
(4) Council Member Stevens-not present  
(5) Council Member Behr-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-not present  
(8) Council Member Filner-not present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Rabbi Leonard Rosenthal of the  
Tifereth Israel Synagogue.

FILE LOCATION: MINUTES

ITEM-20 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member  
Wolfsheimer.

FILE LOCATION: MINUTES

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**PUBLIC COMMENT:**

**ITEM-PC-1:**

Comment by Don Stillwell regarding World Money Controllers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C039-068.)

**ITEM-PC-2:**

Comment by Harold Dunn regarding the lack of public showers in the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C069-082.)

**COUNCIL COMMENT:**

**ITEM-CC-1: REFERRED THE QUESTION OF LOBBYING TO THE ETHICS  
COMMISSION**

Comment by Mayor O'Connor regarding the proposal of major consolidations of Cardrooms in Mission Valley; and lobbying without being registered to lobby to influence Council Members in regard to the Mission Valley Cardroom Proposal.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C083-138.)

MOTION BY ROBERTS TO DOCKET THE CITY MANAGER REPORT, IN THE MATTER OF, REGARDING THE PROPOSAL ALLOWING MAJOR CONSOLIDATIONS OF CARDROOMS IN MISSION VALLEY FOR THE COUNCIL MEETING OF AUGUST 10, 1992; REFER THE QUESTION OF LOBBYING WITHOUT BEING REGISTERED TO LOBBY AND LOBBYING TO INFLUENCE COUNCIL MEMBERS TO THE ETHICS COMMISSION TO EXAMINE IF PROCEDURES REQUIRED BY THE CITY WERE CARRIED OUT IN REGARD TO THE MISSION VALLEY CARDROOM PROPOSAL. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

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ITEM-30: WELCOMED

Recognizing and welcoming university students from  
Yokohama, Japan, who are visiting San Diego and staying  
in private homes.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C152-173.)

ITEM-31: (R-93-64) ADOPTED AS RESOLUTION R-280445

Proclaiming September 19 through October 12, 1992 to be  
"Coastweeks" and September 19, 1992 as "Adopt-A-Beach  
Coastal Cleanup Day" in San Diego; encouraging  
individual citizens, businesses, groups and public  
institutions to observe this event and to participate  
in appropriate activities designed to promote a healthy  
and productive coastal environment.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C174-208.)

MOTION BY STALLINGS TO ADOPT. Second by Wolfsheimer. Passed  
by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-50:

Two actions amending the San Diego Municipal Code:  
(Introduced on 7/21/92. Council voted 5-0. Districts  
3,5,6 and 8 not present.)

Subitem-A: (O-92-146 Cor. Copy) ADOPTED AS ORDINANCE  
O-17811 (New Series)

Amending San Diego Municipal Code Chapter 2, Article 2,  
Division 18, Section 22.1801 to add the Neighborhood  
Compliance Department.

Subitem-B: (O-93-15) ADOPTED AS ORDINANCE O-17812 (New  
Series)

Amending San Diego Municipal Code Chapter 3, Article 5,  
Division 1, Section 35.0128; Chapter 9, Article 5,

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Division 1, Section 98.0503, for the purpose of adjusting the City's annual contribution to the Housing Trust Fund.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C232-240.)

CONSENT MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT ORDINANCE. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-51: (O-93-2 Cor. Copy) TRAILED TO TUESDAY, AUGUST 4, 1992

Amending San Diego Municipal Code Chapter X, Article 1, Division 5, Section 101.0510.C.3.o, to amend the Conditional Use Permit (CUP) to permit correctional placement centers in any zone except residential, neighborhood commercial, A-1 areas and the Beach Impact Area (BIA) of the Coastal Zone, or in the Future Urbanizing area.

(Introduced on 7/21/92. Council voted 7-0. Districts 5 and 6 not present.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: I214-337.)

Motion by Behr to continue to August 11, 1992 with a direction to staff to provide Council with a report analysis of the responsibilities and liabilities of the guards in the correctional placement centers. No second. Trailed to Tuesday, August 4, 1992.

\* ITEM-100: (R-93-30) ADOPTED AS RESOLUTION R-280446

Inviting bids for the Construction of West Miramar Solid Waste Facility - Phase 2 (Contract 1), on Work Order No. 118802; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of funds not to exceed \$4,000,000 from Refuse Disposal Enterprise Fund 30244, CIP-37-056, for said project and related costs; authorizing the Auditor and Comptroller, upon

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advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K3292/93) (Miramar Naval Air Station Community Area.  
District-5.)

CITY MANAGER SUPPORTING INFORMATION: The 807-acre West Miramar Solid Waste Facility is located east of I-805, south of the U.S. Navy's Miramar Naval Air Station and north of State Highway 52. The City of San Diego operates the Miramar Landfill under a grant of easement from the United States of America which is administered by the U.S. Navy. Landfilling operations began in 1982 in the Phase I area and are scheduled to be transferred to the Phase II area by January 1993. The purpose of this work is to construct the improvements necessary to maximize landfill capacity in the Phase II area. This includes the excavation of approximately 3,500,000 cubic yards of soil and the installation of a siltation basin/dam in accordance with the facility development plan.

Aud. Cert. 9300058.

FILE LOCATION: W.O. 118802 CONT - Crist Excavating and  
Grading CONFY93-1

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-101: (R-93-29) ADOPTED AS RESOLUTION R-280447

Inviting bids for the Construction of Mission Beach Drainage Pump Stations: Phase I Santa Clara Cove and Phase II El Carmel Place on Work Order No. 119256; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of an amount not to exceed \$3,214,500 from CIP-11-226.0 (\$990,184) Trans Fund 30300; \$724,316 CAPOUT Fund 30245 and \$1,500,000 TNBond Fund 30302, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.  
(BID-K3291/93)

(Mission Beach Community Area. District-2.)

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CITY MANAGER SUPPORTING INFORMATION: The Phase I Pump Station at Santa Clara Cove will tie into the network of storm drains currently under construction as Mission Beach Drainage Phase I Streets and Drains and will complete Phase I of the project. When the pump stations and drainage systems are operational, flooding of the Mission Beach Community due to high tide water flowing back through the existing outfall pipes in Mission Bay will be eliminated. In addition, the new systems will reduce flooding of Mission Boulevard and minimize the closure of Mission Boulevard during heavy storms. The secondary purpose of the pump stations will be to prevent sewage spills and contaminated/polluted surface runoff from entering Mission Bay. This interceptor system will collect and pump highly contaminated low flow surface runoff to the sanitary sewer system. It is anticipated that a considerable savings to the City may be realized if construction of the identical Phase II Pump Station were constructed under this same contract. In order to determine potential savings, bids will be requested for Pump Station II construction in addition to the Pump Station I bids.

Aud. Cert. 9201018.

FILE LOCATION: W.O. 119256 CONT - Hunter Corporation  
CONTFY93-1

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-102: (R-92-1858) ADOPTED AS RESOLUTION R-280448

Awarding a contract to Padre Janitorial Supplies for the purchase of trash can liners, as may be required for a period of one year beginning August 15, 1992 through August 14, 1993, for a total cost of \$64,594, including tax, with an option to renew the contract for one additional one year period, with option period increases not to exceed 15 percent of the prices in effect at the end of the initial period.  
(BID-P3188/92)

FILE LOCATION: CONT - Purchase - Padre Janitorial  
Supplies CONTFY93-1

COUNCIL ACTION: (Tape location: C241-264.)

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CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-103: (R-92-1857) ADOPTED AS RESOLUTION R-280449

Awarding a contract to Rhtne-Poulenc Inc. (formerly Polypure), for furnishing anionic polymer, as may be required for a period of six months beginning November 1, 1992 through April 30, 1993, for an estimated cost of \$70,037.50, including tax, with an option to renew the contract for two additional six month periods, with price escalation not to exceed 11 percent of prices in effect at the end of the prior six month contract period.  
(BID-B3200/92)

FILE LOCATION: CONT - Purchase - Rhtne-Poulenc Inc.  
(formerly Polypure) CONFY93-1

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-104:

Two actions relative to Mirador Park Unit No. 1:  
(Mira Mesa Community Area. District-5.)

Subitem-A: (R-93-155) ADOPTED AS RESOLUTION R-280450

Granting an extension of time to January 1, 1993, to The Fieldstone Company, subdivider, to complete the improvements required in Mirador Park Unit No. 1.

Subitem-B: (R-93-156) ADOPTED AS RESOLUTION R-280451

Authorizing the City Manager to release a portion of the surety issued by The American Insurance Company in the form of Performance Bond No. 7131467, so that the same is reduced as follows: 1) For faithful performance, to the sum of \$668,662; 2) For the benefit of the contractor, subcontractor and to persons



renting equipment or furnishing labor or materials, to the sum of \$334,331.

CITY MANAGER SUPPORTING INFORMATION: On September 8, 1987, the City entered into an agreement with The Fieldstone Company for the construction of public improvements for Mirador Park Unit No. 1. Performance Bond No. 7131467 issued by The American Insurance Company in the amount of \$2,325,782 was provided by the subdivider. The agreement expired September 8, 1989. The subdivider has requested a partial release of surety and an extension of time to January 1, 1993 in which to complete the required improvements. Ninety-five percent of the work has been completed to the satisfaction of the City Engineer, and the subdivider has requested a partial release of surety. The job order account has sufficient funds to cover anticipated future costs to the City. There are no mechanic's liens filed against the surety and there has not been a previous partial release. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. In accordance with Council Policy 800-11 and 600-21, respectively, it is recommended that the surety be reduced by an amount which is 75 percent of the value of the work completed. Therefore, 71.25 percent of the original surety will be released which will reduce the surety to \$668,662.

FILE LOCATION: SUBD - Mirador Park Unit No. 1

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-105: (R-93-154) ADOPTED AS RESOLUTION R-280452

Granting an extension of time to September 12, 1993 to Tierrasanta L-L Partnership, subdivider, to complete the improvements required in Tierrasanta Norte I Unit No. 1.

(Tierrasanta Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: On September 12, 1988, the City entered into an agreement with Tierrasanta L-L Partnership, a California general partnership, for the construction of public improvements for Tierrasanta Norte I Unit No. 1. The agreement expired on September 12, 1990. The

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subdivider has requested an extension of time to September 12, 1993 in which to complete the required improvements. The improvements are approximately 95 percent complete. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD - Tierrasanta Norte I Unit No. 1

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-106: (R-93-124) ADOPTED AS RESOLUTION R-280453

Excusing Councilmember Valerie Stallings from attending  
the Council meeting of July 13, 1992.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-107: (R-93-158) TRAILED TO AUGUST 4, 1992, FOR FULL  
COUNCIL

Establishing the Clean Water Program Oversight  
Committee, consisting of 10 members, to provide Council  
with an independent appraisal of the Clean Water  
Program, in accordance with San Diego City Charter  
Section 43(b); appointing the following persons as  
members of the Clean Water Program Oversight Committee:

Linda Brannon  
Rosalie Bregante  
Brian Cochran  
David Gomez  
Ralph B. Grahl  
Deborah L. Huffman

Frederick M. Marks  
Barry I. Newman  
Dennis L. Russell  
Mia J. Tegner

Declaring that from these members the group shall elect a Chair and Vice Chair and may establish procedural rules to facilitate their function; designating the Public Facilities and Recreation Committee Consultant as staff to the Clean Water Program Oversight Committee.

CITY MANAGER SUPPORTING INFORMATION: In October 1991, the Council requested a review of the Clean Water Program by a Special Committee consisting of the Executive Committee of the Metropolitan Sewer Task Force and the Chair of the Clean Water Program Governance Advisory Group. This review was completed in late November 1991, and contained several recommendations, among which is the creation of an oversight committee to provide Council with an independent appraisal of the Clean Water Program's direction and progress.

It is recommended that the Oversight Committee be a small executive group with the specific task of reviewing policy issues and program direction. The Oversight Committee would initially receive several intensive briefings on the Clean Water Program and then meet on a monthly basis to review strategic and long-range issues facing the program. The Oversight Committee would consist of ten individuals whose backgrounds and areas of interest would enable them to give sound advice on large-scale public projects. The ten nominees include: Ralph B. Grahl, Barry I. Newman, Mia J. Tegner, Dennis L. Russell, Frederick M. Marks, Linda Brannon, Brian Cochran, Rosalie Bregante, Deborah L. Huffman, and David Gomez. All nominees have been briefed on the Clean Water Program and have expressed a willingness to serve. Staffing for the Oversight Committee would be provided by the Public Facilities and Recreation Committee Consultant. This would enable the consultant to attend all Oversight Committee meetings and serve as a liaison to the Council.

WU-CWP-93-003.

FILE LOCATION:

COUNCIL ACTION: (Tape location: I347-354.)

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\* ITEM-108: (R-93-13) ADOPTED AS RESOLUTION R-280454

Authorizing the San Diego Police Department to become an active participant in the establishment and formation of the San Diego County Auto Theft Prevention Program and Regional Auto Theft Task Force in San Diego County; authorizing the San Diego Police Department to utilize the \$1.00 vehicle fee increase to fund the program pursuant to Section 9250.14 of the California Vehicle Code.

(See City Manager Report CMR-92-240.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-109: (R-93-91) ADOPTED AS RESOLUTION R-280455

Authorizing the City Manager to apply for an early Deployment Program grant from the Federal Highway Administration for a study for the implementation of the Traffic Emergency Activities Management (TEAM) Center.

(City-wide.)

CITY MANAGER SUPPORTING INFORMATION: In order to be more responsive to traffic congestion, emergencies, and disaster situations, and to major special events and activities, staff has proposed a comprehensive Traffic Emergency Activities Management (TEAM) Center. The TEAM Center would combine the Emergency Operation Center and the Traffic Control Center, both in the basement of the City Operations Building, into a single facility. A combined facility would allow the communications and traffic control equipment, utilized on a daily basis to provide for traffic management, to be called into service when needed for disaster or special event management. Early Deployment Program funding of \$400,000 is available for the Federal Highway Administration for a study of the implementation of the TEAM Center concept. The local match requirement of \$100,000 is met by City funds already budgeted for traffic control purposes.

FILE LOCATION: MEET

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COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-110: (R-93-119) ADOPTED AS RESOLUTION R-280456

Authorizing the President of the Board of  
Administration for the City Employees' Retirement  
System to execute an agreement with Buck Consultants,  
Inc., to provide pre-retirement planning seminars;  
authorizing the City Auditor and Comptroller to expend  
the sum of \$38,900 from Fund 60011, for the execution  
of the above agreement.

CITY MANAGER SUPPORTING INFORMATION: The Request for Proposal  
process to provide pre-retirement planning seminars to the System  
membership commenced on April 24, 1992. Based upon the review  
process, the Business and Procedures Committee of the Retirement  
Board of Administration recommended to the Board that Buck  
Consultants be selected to present these seminars. The Committee  
deemed that, of the consultants making presentations, Buck  
possessed the most thorough knowledge of federal and state tax  
law, Social Security and Medicare Programs, and financial and  
estate planning. Selection of Buck Consultants was approved by  
the Board on June 19, 1992. The purpose and intent of the  
pre-retirement planning seminars is to provide members with  
information on pension and related benefits, savings and  
investment strategies, income taxes, projecting retirement income  
and expenses, adjusting for the impact of inflation and related  
matters. In addition, the consultant will also provide future  
updates and modifications of seminar materials to reflect any  
changes in benefit plans, taxes, laws or other development in the  
retirement area. The term of this contract is three years with  
the option for two one-year renewals and is contingent upon  
approval of funding in the FY 94 and FY 95 Retirement System  
budgets.

Aud. Cert. 9300064.

FILE LOCATION: MEET CCONFY93-1

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-111: (R-93-128) ADOPTED AS RESOLUTION R-280457

Authorizing the City Manager to execute a ridesharing agreement with the State of California Department of Transportation (Caltrans), the County of San Diego and the San Diego Association of Governments (SANDAG), for the period of July 1, 1992 to June 30, 1993.

CITY MANAGER SUPPORTING INFORMATION: This action will formally re-establish the City's involvement in the Regional Ridesharing Program. The program's intent is to reduce air pollution, fuel consumption, traffic congestion and parking requirements by encouraging and assisting ridesharing at employment sites. Participation by the City in the agreement began in 1975, upon the program's initiation and was subsequently extended through 1985, with Council approval, by several supplemental agreements. Since 1985, the City has not been a party to the agreement. This agreement would increase opportunities for the City and Caltrans to coordinate efforts in providing Rideshare Program support services. For example, the City TDM program and Caltrans both maintain employer data bases. Under this agreement, Caltrans would provide financial support for TDM staff to assume management of the data base in order to reduce the duplication of effort associated with separate employer systems. Coordinated marketing of the Rideshare Program by Caltrans and the City, with the City being reimbursed for graphics, resources, and expertise, would also improve program cost effectiveness. Establishment of the City's Mobility Program in 1989, has strengthened the City's relationship with Caltrans and the Regional Rideshare Program. This agreement will formalize that relationship and enable the implementation of joint efforts to more efficiently use public funds.

FILE LOCATION: MEET CONFY93-3

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-112: CONTINUED TO AUGUST 10, 1992

Two actions relative to the design of Pump Station 65  
Expansion and Force Main, Carmel Valley Trunk Sewer  
West I-5, and Sorrento Valley Water Main Relocation:

(Sorrento Hills Community Area. District-1.)

Subitem-A: (R-93-126)

Authorizing the execution of a second agreement with Engineering-Science, Inc., for professional services; authorizing the City Auditor and Comptroller to transfer the amount of \$483,193 from Sewer Revenue Fund No. 41506 to CIP-46-117.0; the amount of \$90,946 from Sewer Revenue Fund No. 41506 to CIP-46-122.0; and the amount of \$48,150 from Water Revenue Fund No. 41502 to CIP-70-910.1; authorizing the expenditure of an amount of \$622,289 as follows: \$483,193 from CIP-46-117.0, Pump Station 65 Expansion and Force Main; \$90,946 from CIP-46-122.0, Carmel Valley Trunk Sewer West of I-5; and \$48,150 from CIP-70-910.1, Sorrento Valley Water Main Relocation; authorizing the City Manager to finance or refinance these projects with tax exempt securities if circumstances so warrant.

Subitem-B: (R-93-127)

Certifying that the information contained in Environmental Impact Report DEP-91-0665, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that the addendum has been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: On March 30, 1987, the City Council authorized an agreement (R-267993) with Engineering-Science, Inc. The agreement provided for design services for the Carmel Valley Trunk Sewer Replacement (west of I-5) and the Pump Station 65 Expansion project, for a fee of \$630,200. A first amendment was authorized by City Council on January 28, 1991 (R-277257) to design the Sorrento Valley Water Main Relocation, and address the environmental impacts of the Sorrento Valley Road Relocation, and the Pump Station 65 Expansion project. The fee for this first amendment was \$400,991. This second agreement is proposed for the design of the appurtenant facilities needed for the pump station relocation and additional biological studies required by the resource agencies prior to final approval. These appurtenant facilities required include an odor control structure, maintenance building, and compressed air systems. The biological study is required to ensure appropriate mitigation and minimal impacts on sensitive wetlands habitat. The proposed subconsultant, their associated tasks and percentage of this agreement is Kercheval and Associates, Structural Engineering, 7.6 percent (MBE).

Aud. Cert. 9300060.

WU-U-92-168.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C229-233.)

MOTION BY WOLFSHEIMER TO CONTINUE TO AUGUST 10, 1992 AT THE REQUEST OF THE CITY MANAGER. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-113: (R-93-129) ADOPTED AS RESOLUTION R-280458

Authorizing the execution of an agreement with Robert Prater & Associates, for as-needed soils engineering consultant services for the Water Utilities Department; authorizing the expenditure of an amount not to exceed \$150,000 consisting of \$75,000 from Operating Fund 41500, Water Operating Engineering Program (70830), and \$75,000 from Sewer Revenue Fund 41506, Sewer Operating Engineering Program (70820), to provide funds for the project; authorizing the City Manager to finance or refinance the project with tax exempt securities, if circumstances so warrant.

CITY MANAGER SUPPORTING INFORMATION: A list of as-needed soil engineering consultants was requested from the Consultant Selection Coordinator on February 14, 1992. On March 3, 1992 the Consultant Nominating Committee nominated five firms to participate in the final selection process. In conformance with Council Policy 300-7, these firms were interviewed on April 2, 1992, and Robert Prater & Associates was selected as the best-qualified firm to provide the as-needed consultant services. The agreement provides for geotechnical engineering services by task orders on an hourly fee basis not to exceed \$15,000 per task. These services would include the soil investigation reports for major pipelines, pumping stations, and other miscellaneous projects. The total contract shall not exceed \$150,000 for a period of two years from the date of execution by the City Manager.

Aud. Cert. 9300042.

WU-U-92-134.

FILE LOCATION: MEET CCONFY93-1

COUNCIL ACTION: (Tape location: C241-264.)



CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-114: (R-93-18) CONTINUED TO AUGUST 10, 1992

Approving Change Order No. 7, dated October 9, 1991,  
issued in connection with the contract with Western  
Utilities Contractors, Inc., for the construction of  
Water and Sewer Group 94, amounting to a net increase  
in the contract price of \$18,424; authorizing the  
expenditure of an amount not to exceed \$18,424,  
consisting of \$15,424 from Water Fund 41500 and \$3,000  
from Sewer Fund 41506, to provide funds for the Change  
Order; authorizing the expenditure of an amount not to  
exceed \$25,779 from CIP-73-083.0, Annual Allocation for  
Water Main Replacement, for preliminary engineering  
services.

(Mission Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: On November 16, 1990, the  
City entered into a contract with Westcon Construction Co. for  
the construction of Sewer and Water Group 94. During  
construction City staff determined that 350 feet of 15-inch sewer  
main could not be installed by open trench construction in Strand  
Way through a 10-foot easement. A study of the alternatives  
determined that routing the sewer main through Oliver Court was  
the most economical. The sewer main location in Oliver Court, a  
narrow 24-foot alley, resulted in interference with other  
underground utilities. Realignment of 180 feet of 8-inch water  
main was the most economical remedy to the underground utility  
conflicts. At the request of the City Auditor, \$25,779 is  
required in preliminary engineering service to close out the  
project.

Aud. Certs. 9201020, 9201021.

WU-U-92-124.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C234-238.)

MOTION BY ROBERTS TO CONTINUE TO AUGUST 10, 1992, AT THE  
REQUEST OF THE CITY MANAGER. Second by Behr. Passed by the  
following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,  
Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present,  
Filner-not present, Mayor O'Connor-yea.

ITEM-200: (O-93-13) INTRODUCED, TO BE ADOPTED SEPTEMBER  
14, 1992, AT 2:00 P.M.

Introduction of an Ordinance authorizing the execution of a 25 year joint use agreement with the San Diego Unified School District, for the lease, construction, operation and maintenance of landscaping and recreation facilities at the Dailard Elementary School. (Navajo Community Area. District-7.)

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego is currently in the process of planning for the development of Dailard Neighborhood Park in the Navajo Community Planning Area. Dailard Elementary School is located adjacent to the park. The proposed lease agreement would expand the area available for development as a neighborhood park by approximately 0.6 of an acre. The lease would also allow for connection to the park of existing public and school pedestrian circulation routes. The agreement stipulates that the improvements will be constructed and maintained by the City over the course of the lease.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C241-264.)

MOTION BY ROBERTS TO INTRODUCE THE ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-201: (O-92-152) ADOPTED AS ORDINANCE O-17813 (New Series)

Adoption of an Ordinance authorizing the issuance and sale of Industrial Development Revenue Refunding Bonds in an aggregate principal amount not to exceed \$400,000,000 and authorizing one or more loan agreements with San Diego Gas & Electric Company and one or more indentures in connection with the issuance of bonds and related matters.

(See City Manager Report CMR-92-230. Introduced on 7/20/92. Council voted 7-0. District 5 and Mayor not present.)

FILE LOCATION: MEET CONFY93-1

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COUNCIL ACTION: (Tape location: C241-264.)

Hearing began at 2:58 p.m. and halted at 3:00 p.m.

MOTION BY ROBERTS TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-202: (R-92-2139) ADOPTED AS RESOLUTION R-280459

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the construction, operation and maintenance of permanent sewer and drainage facilities together with a temporary grading easement over, under, upon, along and across a portion of Pueblo Lot 1307 of the Pueblo Lands of San Diego and that the public interest, convenience and necessity demand the acquisition of the easements in the property as a condition of Tentative Map TM-88-1073 (Nexus I-805 Subdivision); declaring the intention of the City to acquire said easements under eminent domain proceedings; directing the City Attorney to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring the easements. (See City Manager Report CMR-92-243. Located at the proposed intersection of Nexus Centre Drive and Executive Drive, north of La Jolla Village Drive and west of I-805. University City Community Area. District-1.)

Aud. Cert. 9200991.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

Hearing began at 2:58 p.m. and halted at 3:00 p.m.

MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-203: (R-93-130) ADOPTED AS RESOLUTION R-280460

Declaring that the amount of \$8,053.51 has been lawfully incurred by the City for the reasonable expenses of the abatement of a public nuisance located at 3767, 3769, and 3771 1/2 47th Street; and that said costs may be lawfully imposed as a personal obligation against the owner and as a special assessment against the property; the property owner has failed to show cause why the costs should not be confirmed; directing the City Manager to take any further action necessary and appropriate pursuant to San Diego Municipal Code Section 91.0203 to collect the costs of abatement from the property owner and to file a special assessment against the property until the sums are collected; authorizing the City Auditor and Comptroller to deposit any monies received into the appropriate fund.

(See City Manager Report CMR-92-242. District-3.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

Hearing began at 2:58 p.m. and halted at 3:00 p.m.

MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-204:

(Continued from the meetings of July 6, 1992, Item 202, and July 21, 1992, Item 208; last continued at the City Manager's request for further review.) Alternate Resolutions relative to the Equal Opportunity Contracting Program:

(See City Manager Report CMR-92-197.)

Subitem-A: (R-92-2121) NOTED AND FILED

Approving the City Manager's recommendations on the Equal Opportunity Contracting Program to do the following:

1. Not to commission a disparity study; and 2. Not to convert the Minority Business Enterprise/Women Business Enterprise Program to an Economic Business Enterprise

Program, as set forth in the City Manager's Report  
CMR-92-197, dated June 10, 1992.

Subitem-B: (R-92-2122) ADOPTED AS RESOLUTION R-280461

Approving the recommendation of the Public Services and  
Safety Committee to do the following: 1) Commission a  
disparity study which includes the disabled community;  
2) Maintain Minority & Women Business Enterprise  
Program intact with weighted criteria for MBE/WBE  
participation; 3) Empanel a Special Task Force to  
review the Minority/Women Business Enterprise Program;  
and 4) Request to investigate claims of fraudulent  
situations.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C269-D206.)

MOTION BY STEVENS TO NOTE AND FILE SUBITEM A AND ADOPT  
SUBITEM B AND CONCUR WITH THE PUBLIC SERVICE AND SAFETY  
COMMITTEE TO:

1. DIRECT THE CITY MANAGER TO MAINTAIN THE MINORITY/WOMEN  
BUSINESS ENTERPRISE PROGRAM INTACT, WITH WEIGHTED CRITERIA  
FOR M/WBE PARTICIPATION.

2. DIRECT THE CITY MANAGER TO CONDUCT A DISPARITY STUDY.

3. ADOPT THE PUBLIC SERVICE AND SAFETY COMMITTEE'S  
RECOMMENDATION TO EMPANEL A M/WBE CITIZENS COMMITTEE TO  
REVIEW THE MINORITY/WOMEN BUSINESS ENTERPRISE PROGRAM WITH A  
SPECIAL EMPHASIS ON LOCAL PREFERENCE, AND CONDUCT PUBLIC  
HEARINGS TO DEFINE THE SENTIMENTS OF BUSINESSES, COMMERCE  
ASSOCIATIONS AND THE PUBLIC ON THE PURPOSE AND GOALS OF THE  
CITY'S EQUAL OPPORTUNITY EFFORTS. THE TASK FORCE SHOULD  
RETURN TO COMMITTEE WITH A REPORT WITHIN 90 DAYS FROM THE  
DATE OF THE CITIZENS COMMITTEE'S FIRST MEETING. THE MANAGER  
SHOULD BE RESPONSIBLE FOR THE CREATION OF THIS COMMITTEE,  
WITH CONFIRMATION OF THE CITY COUNCIL. THE PS&S M/WBE  
CITIZENS COMMITTEE WILL BE COMPRISED OF ONE MEMBER EACH FROM  
THE GREATER SAN DIEGO CHAMBER OF COMMERCE SMALL BUSINESS  
DEVELOPMENT CENTER, BLACK ECONOMIC DEVELOPMENT TASK FORCE,  
ASIAN BUSINESS ASSOCIATION, HISPANIC CHAMBER OF COMMERCE,  
FILIPINO CHAMBER OF COMMERCE, AMERICAN INDIAN BUSINESS  
ASSOCIATION, WOMEN'S BUSINESS ASSOCIATION, ASSOCIATION OF  
GENERAL CONTRACTORS CONSTRUCTION INDUSTRY FEDERATION, AND A  
REPRESENTATIVE FROM THE DISABLED COMMUNITY. THREE (3)  
MEMBERS EACH FROM THE CITY'S CITIZENS EQUAL OPPORTUNITY  
COMMISSION AND SMALL BUSINESS ADVISORY COMMITTEE. THE CHAIR  
SHOULD BE NAMED BY THE TASK FORCE MEMBERS. 4. REQUEST

THAT THE M/WBE CITIZENS COMMITTEE INVESTIGATE CLAIMS OF FRAUDULENT SITUATIONS, ESPECIALLY THOSE MENTIONED DURING PUBLIC TESTIMONY, AND MAKE RECOMMENDATIONS FOR SOLUTIONS TO EXISTING PROBLEMS IN THE EQUAL OPPORTUNITY COMPLIANCE PROGRAM. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

Motion by Filner to direct the City Manager and City Attorney to come back on August 10, 1992, with an approach concerning clarification of the phrase "weighted criteria" and the steps needed to include it in contracts before a study is embarked upon. Second by Roberts. Passed. Yeas-1,2,3,5,6,8,M. Nays-4. Not present-7.

ITEM-205: HEARING HELD

(Continued from the meeting of July 21, 1992, Item S406, at the City Manager's request for further review.) In the matter of local preference in City Contracts. (See City Manager Reports CMR-92-199, CMR-92-92, CMR-92-59, CMR-91-492.)

COMMITTEE ACTION: Reviewed by PSS on 7/15/92. Recommendation to include in the 7/20/92 report to the Council on the MBE/WBE Program and Disparity Study, PS&S's desire to also study the need for local preference in performing the Disparity Study. The Manager and the Attorney were also requested to return to Committee with a report on how the City might encourage local hiring. Districts 1,2,3 and 4 voted yea. District 8 not present.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C209-219; D207-350.)

MOTION BY STEVENS TO INCLUDE IN THE JULY 20, 1992 REPORT TO THE COUNCIL ON THE MBE/WBE PROGRAM AND DISPARITY STUDY, PS&S'S DESIRE TO ALSO STUDY THE NEED FOR LOCAL PREFERENCE IN PERFORMING THE DISPARITY STUDY. THE CITY MANAGER AND CITY ATTORNEY ARE ALSO REQUESTED TO RETURN TO COMMITTEE WITH A REPORT ON HOW THE CITY MIGHT ENCOURAGE LOCAL HIRING. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-206: CONTINUED TO SEPTEMBER 21, 1992

In the matter of declaring a shelter crisis under  
Government Code Section 8698 and other related actions.

FILE LOCATION:

COUNCIL ACTION: (Tape location: F155-I213.)

Motion by Hartley to: 1) Declare a shelter crisis under California State Government Code Title 2, Chapter 7.8, Section 8698; 2) Authorize the establishment of an interim fast-tracking City Homeless Strategy Action Task Force comprised of a multi-disciplinary group including service providers, City Staff (Manager, SDPD), Homeless advocates, Regional Task Force on the Homeless, Businesses, Community representation, CCDC, Housing Commission, and County of San Diego to: A) provide Council Oversight, B) create specific solutions to specific homeless problems; C) meet weekly and report back to the Council on September 21, 1992 with recommendations; and D) continue until the City Advisory Board on the Homeless is operational. Second by Stevens. No vote.

MOTION BY HARTLEY TO CONTINUE ITEM 206 TO SEPTEMBER 21, 1992 AND TO DIRECT THE CITY MANAGER AND CITY ATTORNEY TO COME BACK TO COUNCIL ON SEPTEMBER 21, 1992 WITH A REPORT CLEARLY DEFINING THE LAW AS FAR AS THE LEGALITY AND IMPLICATIONS OF DECLARING A SHELTER CRISIS; AUTHORIZE THE ESTABLISHMENT OF AN INTERIM FAST-TRACKING CITY HOMELESS STRATEGY ACTION TASK FORCE COMPRISED OF A MULTI-DISCIPLINARY GROUP INCLUDING SERVICE PROVIDERS, CITY STAFF (MANAGER, SDPD), HOMELESS ADVOCATES, REGIONAL TASK FORCE ON THE HOMELESS, BUSINESSES, COMMUNITY REPRESENTATION, CCDC, HOUSING COMMISSION, COUNTY OF SAN DIEGO TO: A) PROVIDE COUNCIL OVERSIGHT; B) CREATE SPECIFIC SOLUTIONS TO SPECIFIC HOMELESS PROBLEMS; C) TO MEET WEEKLY AND REPORT BACK TO THE COUNCIL ON SEPTEMBER 21, 1992 WITH RECOMMENDATIONS; AND D) TO CONTINUE UNTIL THE CITY ADVISORY BOARD ON THE HOMELESS IS OPERATIONAL. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-207: (R-92-2116) ADOPTED AS RESOLUTION R-280462

(Continued from the meeting of July 6, 1992, Item 200, at Councilmember Hartley's request, to allow time for the City Manager to review directives given to him in

Councilmember Hartley's motion.)  
Approving in concept an Interim Emergency Shelter  
Strategy; declaring that this project will require  
Environmental Review at the point the City makes a  
commitment to implement the project.  
(See City Manager Report CMR-92-213.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F155-I213.)

Motion by Hartley to: 1) Declare a shelter crisis under California State Government Code Title 2, Chapter 7.8, Section 8698; 2) Authorize the establishment of an interim fast-tracking City Homeless Strategy Action Task Force comprised of a multi-disciplinary group including service providers, City Staff (Manager, SDPD), Homeless advocates, Regional Task Force on the Homeless, Businesses, Community representation, CCDC, Housing Commission, and County of San Diego to: A) provide Council Oversight, B) create specific solutions to specific homeless problems; C) meet weekly and report back to the Council on September 21, 1992 with recommendations; and D) continue until the City Advisory Board on the Homeless is operational. Second by Stevens. No vote.

MOTION BY HARTLEY TO CONTINUE ITEM 206 TO SEPTEMBER 21, 1992 AND TO DIRECT THE CITY MANAGER AND CITY ATTORNEY TO COME BACK TO COUNCIL ON SEPTEMBER 21, 1992 WITH A REPORT CLEARLY DEFINING THE LAW AS FAR AS THE LEGALITY AND IMPLICATIONS OF DECLARING A SHELTER CRISIS; AUTHORIZE THE ESTABLISHMENT OF AN INTERIM FAST-TRACKING CITY HOMELESS STRATEGY ACTION TASK FORCE COMPRISED OF A MULTI-DISCIPLINARY GROUP INCLUDING SERVICE PROVIDERS, CITY STAFF (MANAGER, SDPD), HOMELESS ADVOCATES, REGIONAL TASK FORCE ON THE HOMELESS, BUSINESSES, COMMUNITY REPRESENTATION, CCDC, HOUSING COMMISSION, COUNTY OF SAN DIEGO TO: A) PROVIDE COUNCIL OVERSIGHT; B) CREATE SPECIFIC SOLUTIONS TO SPECIFIC HOMELESS PROBLEMS; C) TO MEET WEEKLY AND REPORT BACK TO THE COUNCIL ON SEPTEMBER 21, 1992 WITH RECOMMENDATIONS; AND D) TO CONTINUE UNTIL THE CITY ADVISORY BOARD ON THE HOMELESS IS OPERATIONAL. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.



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ITEM-208: (R-93-153) ADOPTED AS RESOLUTION R-280463

Council confirmation of the appointment by the Mayor of Leon A. Brady III, to serve as a member of the City Public Utilities Advisory Commission for a term ending October 1, 1995. (See memorandum from Mayor O'Connor dated 7/20/92 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-209: (R-93-22) ADOPTED AS RESOLUTION R-280464

(Continued from the meeting of July 20, 1992, Item 101, at Councilmember Stallings' request, to review the traffic lights in District 6 with staff and people in the community.)

Inviting bids for the Construction of a Traffic Signal and Street Lighting System at Camino Ruiz and Flanders Drive, Kearny Villa Road and Kearny Villa Way and at Knoxville Street and Morena Boulevard on Work Order No. 119805; authorizing the execution of a contract with the lowest responsible bidder; authorizing the expenditure of \$325,360 from CIP-68-010.0 Annual Allocation - Construction Top 10-15 Prioritized Traffic Signals Fund 30300, for providing funds for said project and related costs; authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, in CIP-68-010.0.

(BID-K3266/93) (Serra Mesa, Mira Mesa and Clairemont Mesa Community Areas. Districts-5 and 6.)

CITY MANAGER SUPPORTING INFORMATION: The subject Capital Improvement Program Project to install a traffic signal system provides for the safe passage of emergency equipment, pedestrians and vehicles through the intersection. Traffic signal features include emergency vehicle preemption equipment.

Aud. Cert. 9200907.

FILE LOCATION: W.O. 119805 CONT-Select Electric Inc.  
CONTFY93-1

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-210:

(Continued from the meeting of July 20, 1992, Item 111,  
at the City Manager's request, to allow Councilmember  
Behr to be present.)

Two actions relative to Rancho Bernardo Rock Barriers:

(Rancho Bernardo Community Area. District-5.)

Subitem-A: (R-92-1626) ADOPTED AS RESOLUTION R-280465

Authorizing the City Manager to establish a Cultural  
Resource Fund(10509) for the protection of cultural  
resources at Lake Hodges, to be administered jointly by  
the City's Planning and Water Utilities Departments;  
authorizing the City Auditor and Comptroller to  
transfer the amount of \$60,000 from Water Fund 41500  
(P.E. 70322, Object Account 4222) to the Cultural  
Resource Fund (10509); authorizing the expenditure of  
an amount not to exceed \$50,000 from the Water  
Utilities Fund 41500, for the purpose of landscaping  
the rock barriers in connection with this activity.

Subitem-B: (R-92-1627) ADOPTED AS RESOLUTION R-280466

Certifying that the information contained in  
DEP-89-1107 in connection with the Rancho Bernardo Rock  
Barriers, has been completed in compliance with the  
California Environmental Quality Act of 1970, as  
amended, and State guidelines, and that the Report and  
Mitigation, Monitoring and Reporting Program have been  
reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: During recent years, land  
approximately south of Lake Hodges and west of Interstate 15 has  
been subjected to unauthorized use by off-road vehicle activity  
and trash dumping. This resulted in degradation of the natural  
open space areas. Other unauthorized activities have included  
poaching of fish and wildlife, target shooting and hunting.  
Normal patrols and fencing have not prevented these activities  
from continuing. Therefore, in December 1988, rock materials

excavated from the adjacent development in Westwood Valley were used to create barriers across various vehicular access points to the area. The barriers have subsequently eliminated virtually all dumping and other unauthorized activities within the open space. The placement of the barriers was done without environmental review and a portion of one of the barriers (now removed) did impact a known archaeological site. In addition, the visual quality of the area was affected and landscaping has been proposed to reduce impacts. A subsequent Mitigated Negative Declaration was prepared which addressed these two issue areas: archaeological and visual quality resources. Aud. Cert. 9200207.

WU-P-92-010.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-211:

Two actions relative to a management audit of the San Diego Housing Commission:

Subitem-A: (O-93-22) HEARING HELD

First public hearing of an Ordinance amending the FY 1993 Appropriation Ordinance by \$84,500 in the General Fund, Nondepartmental Expenditures, Housing Commission Program, funded by a reimbursement from the San Diego Housing Commission. NOTE: The second public hearing for the introduction and adoption of the ordinance will be on the supplemental docket of Tuesday, 8/4/92.

Subitem-B: (R-93-160) ADOPTED AS RESOLUTION R-280467

Adoption of a Resolution authorizing the execution of an agreement with Zucker Systems; authorizing the expenditure of an amount not to exceed \$84,500 for the preparation of a management audit of the San Diego Housing Commission.

FILE LOCATION: MEET CONFY93-1

COUNCIL ACTION: (Tape location: C241-264.)

MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-S400: (R-93-165) ADOPTED AS RESOLUTION R-280468

A Resolution approved by the City Council in Closed Session on Tuesday, July 7, 1992 by the following vote: Wolfsheimer-yea; Roberts-yea; Hartley-yea; Stevens-yea; Behr-yea; Stallings-yea; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$116,539.32 in full payment for services and fees through May 31, 1992 in the cases of Spaulding and Bray v. City of San Diego; authorizing the City Auditor and Comptroller to issue one check in the amount of \$96,518.33, made payable to Sheppard, Mullin, Richter & Hampton, in full payment for services and fees through May 31, 1992 in the case of Bray v. City of San Diego, et al., United States District Court Case No. 911109S(M); authorizing the City Auditor and Comptroller to issue one check in the amount of \$20,020.99 made payable to Sheppard, Mullin, Richter & Hampton, in full payment for services and fees through May 31, 1992 in the case of Spaulding v. City of San Diego, et al., San Diego Superior Court Case No. 643073; authorizing the City Auditor and Comptroller to pay for deposition costs, investigative costs and expert witness costs when those costs have been reviewed and approved by the Office of the City Attorney and the City Manager, in the Bray v. City of San Diego, et al., United States District Court Case No. 911109S(M) and Spaulding v. City of San Diego, et al., San Diego Superior Court Case No. 643073.

CITY MANAGER SUPPORTING INFORMATION: This constitutes full payment for services and fees through May 31, 1992 as noted below: Bray v. City of San Diego et al., United States District Court, Case No. 9111095 (M) (\$96,518.33). Spaulding v. City of San Diego et al., San Diego Superior Court, Case No. 643073 (\$20,020.99). Bray v. City of San Diego et al., United States District Court, Case No. 911109 S(M) (Costs to be reviewed and approved by the Office of the City Attorney and the City Manager.)

Aud. Cert. 9201055.

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FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I355-404.)

MOTION BY STALLINGS TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

\* ITEM-S401: (R-93-159) ADOPTED AS RESOLUTION R-280469

A Resolution approved by the City Council in Closed Session on Tuesday, June 30, 1992 by the following vote: Wolfsheimer-yea; Roberts-yea; Hartley-not present; Stevens-yea; Behr-yea; Stallings-yea; McCarty-not present; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$100,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the injuries sustained by Samuel Stelletello in an automobile accident on March 16, 1990 (Superior Court Case No. 627749, Samuel Stelletello v. Abuzir, et al.); authorizing the City Auditor and Comptroller to issue one check in the total amount of \$100,000 made payable to Samuel Stelletello and his attorney of record, William McCurine, Jr., in full settlement of the lawsuit and all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claim of Samuel A. Stelletello against the City of San Diego, its agents and employees, resulting from the incident of March 16, 1990.

Aud. Cert. 9300069.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

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\* ITEM-S402: (R-93-152) ADOPTED AS RESOLUTION R-280470

Adopting the Conflict of Interest Code for the Office  
of the City Attorney of the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-S403: (R-93-120) ADOPTED AS RESOLUTION R-280471

Approving the Conflict of Interest Code for the City of  
San Diego's Elections, Campaign and Governmental Ethics  
Advisory Board.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by  
the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-S404: (R-93-189) ADOPTED AS RESOLUTION R-280472

Council confirmation of the appointment by the Mayor of  
Dr. Aaron S. Gold to serve as a member of the Elections  
Campaign and Governmental Ethics Advisory Board, for a  
term ending February 1, 1994; waiving residency  
requirements pursuant to Council Policy 000-13.  
(See memorandum from Mayor O'Connor dated 7/27/92 with  
resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by  
the following vote: Wolfsheimer-yea, Roberts-yea,  
Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,  
McCarty-not present, Filner-not present, Mayor O'Connor-yea.

\* ITEM-S405: (R-93-209) ADOPTED AS RESOLUTION R-280473

A Resolution approved by the City Council in Closed Session on Tuesday, July 28, 1992 by the following vote: Wolfsheimer-yea; Roberts-yea; Hartley-not present; Stevens-yea; Behr-yea; Stallings-yea; McCarty-yea; Filner-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$430,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Cheryl Abelowits and Maria L. Foster, Heather R. Foster, and Maria L. Foster, as Administratrix of the Estate of Douglas Ray Foster (Superior Court Case No. 640699, Cheryl Abelowitz v. City of San Diego, et al.), consolidated with Case No. 642062, Maria Foster, et al., resulting from an incident occurring on August 31, 1990; authorizing the City Auditor and Comptroller to issue two checks: one in the amount of \$400,000 made payable to Cheryl Abelowitz and her attorney Patrick McCormick, Jr., and another in the amount of \$30,000 made payable to Maria L. Foster, Heather R. Foster, Maria L. Foster as Administratrix of the Estate of Douglas Ray Foster and their attorney, Robert Thompson, in full settlement of all claims.

CITY MANAGER SUPPORTING INFORMATION: This constitutes the complete and final settlement of the personal injury claims of Cheryl Abelowitz and the heirs of Douglas Foster against the City of San Diego as a result of an incident which occurred on August 31, 1990.

Aud. Certs. 9300102 and 9300103.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

CONSENT MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-S406: (R-93-213) ADOPTED AS RESOLUTION R-280474

Council confirmation of the appointment by the Mayor of Conrad B. Pawelski, to serve as a member of the Waste

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Management Advisory Board, for a term ending October 1, 1992, replacing Jeffrey S. Ritchie, who has resigned; waiving the City residency requirements for Conrad B. Pawelski pursuant to Council Policy 000-13. (See memorandum from Mayor O'Connor dated July 28, 1992 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C241-264.)

MOTION BY ROBERTS TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-S407: (R-93-87) ADOPTED AS RESOLUTION R-280475

Creating a Board of Fiscal Advisors, pursuant to section 43(b) of the San Diego City Charter, to provide recommendations on City-wide budget issues during Fiscal Year 1993 to the Mayor and City Council with the City Manager and the City Auditor and Comptroller to act as resources to the Board; Confirming the following appointments to the Board of Fiscal Advisors: David Lorimar, Richard J. Kerman, Willie Morrow, Jess Haro, Jan Strode, Ann Burr, Ann Parode, Pauline des Grange, Kiarling Strahm, George Gildred, Bill Sage.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: I411-435.)

MOTION BY BEHR TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.



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**ADJOURNMENT:**

The meeting was adjourned by Deputy Mayor Roberts at 7:40  
p.m.

**FILE LOCATION:** MINUTES

**COUNCIL ACTION:** (Tape location: I462.)